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A brieſe Answer to Doctor *Fernes* Booke, tending to
reſolve Conſcience, about the Subjects taking up of Arms.

By J. R. BURROUGHS.

THere came to my hand a Book of D. *Fern*, tending to reſolve Conſcience
in the caſe of the Subjects taking up Arms. I find it carryed on without
giving any ill termes, but in ſan expreſſions, ſutable to a Treatiſe that
concernes Conſcience, and the more likely to prevail with it. Onely now and
then ſome bitterneſs breakes forth; I ſhall very briefly yet faithfully give you the
ſtrength of it: where he ſpeakes right, I will acknowledge it; and where he
miſtakes, I will fairly diſcuſſe and ſhew you whence the miſtakes ariſe. I confeſſe
he hath great advantage in the ſubject, becauſe it is for the King: 1. Becauſe
it is ſafer to plead for the King, though a man miſtakes; but if there be a
miſtake in leſſening the Kings right, a man endangers his utter undoing. 2. Truth
about this argument hath alwayes been tenderly handled; thoſe who have pleaded
for the King, have with courage vented themſelves to the utmoſt; but others have
been forced to be ſilent, or elſe but even to whiſper and ſpeak halfe out, leſt they
preſently meet with (not arguments, but) things of another nature to answer
them. In which regard the power of Kings hath been raiſed to the height, and
men have drunk in ſuch opinions of abſolute power in them, as they have heard
confidently affirmed, practiſed, and ſeen in Books, and ſealed by many taxation
and cenſures; but whatſoever might informe them hath layne in the darke, not
daring to appeare: Therefore well might the D. call what now people begin to
heare, and enquire after, a new doctrine; it is an old truth, but newly diſcovering
it ſelf. The name of King hath taken ſuch impreſſion in the hearts of people, that
for a while they will be prejudiced againſt whatſoever may but ſound of limiting
his power, or maintaining our right againſt it.

What there is in the Epiſtle that may prejudice any mans conſcience, will be an-
ſwered in what follows.

Preamble to S E C T. I.

SO many good people that are come to a ſenſe of Religion and godlineſſe, are
miſerably carryed away by a ſtrange implicate ſaith, to beleve whatſoever is
ſaid or done in the name of the Parliament, &c. to be inſallibly true and juſt.

It ſeems thoſe who have not a ſenſe of Religion, do not ſo eaſily beleve the
truth and juſtice of what is done in the name of the Parliament. This is moſt
certaine, who are hardeſt to beleve what the Parliament ſayes, but Papiffs,
and notorious blaſphemers, and prophane liverz: I condemne not all, but
compare the generality of the one ſide, and of the other; you ſhall finde an
apparent difference in the lives of the one, from the lives of the other: Yea, ſo
it is now that if a man as heretofore were not prophane, or looſe at leaſt, or
zealous for ceremonies, he was accounted a Puritan; ſo now a Round-head, that
is; in their ordinary interpretation one for the Parliament.

If it be ſaid, This is becauſe Religion is pretended on the Parliaments ſide:
So it is on the other, with as loud a cry, as the Parliaments. In ſuch things where
I muſt have regard to humane testimony, to what part I ſee the moſt that have
the ſenſe of Religion to adhere, that ſide I will be on, except I ſee better grounds

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then

Ans.

A brief Answer

then verily the D. brings to draw me from it. *Prov. 24. 20. That thou mayst make in the way of good men, and keepe the paths of the righteous.*

S E C T. I.

IN this *SECT.* these special things are considerable: 1. What he grants. 2. what we grant. 3. What he says we grant. He grants we may deny obedience to the King, not only in things unlawfull by the Law of God, but by the established Laws of the Land. It is well this is granted. Therefore we know this was the generall Peract, whatsoever was commanded by the King, yea by any men in authority, if but by a Rellate, except it were against Gods Law, we were bound to obey it; any thing that was not sinne must be yielded to and that for conscience sake. The D. in this is ingenuous; he confesseth that not only Gods Law, but mans Law limits Kings power: This is a great ease to many mens consciences to know so much.

And further, if this be true, that all those Scriptures that urge obedience to Kings and men in authority, must be understood with this limitation, that is, if they command according to the Laws of God, and according to the Laws of the country over which they are.

1. He says, *In point of resistance we grant it must be in such a case where there are Omnes ordines regni consentientes, an unanimous consent of the two Houses.*

Ans.

There is no determination that the greater part present of either House agrees upon, but it is as truly valid and legal, as if there were an unanimous consent of them both. It is so in all bodies where things are carried by vote.

2. He says, *we yield it must be a meere defensive resistance.*

Ans.

If the King should send any to mischief us, so say, we must only defend our selves, so as not to offend them, is a contradiction; as for the Kings person, is it not the profession of the Parl. to defend it, therefore we neede not dispute now, about defending our selves against it.

3. He says, *this like was granted that the Prince must first be beat to overthrow Religion, Liberties, and Laws, and will not discharge his trust, before there must be resistance.*

Ans.

By this he would insinuate that our Arms taken up are unlawfull, because the King hath not declared himselfe thus.

What need we be put to meddle with any thing but this in the case in hand? That a Kingdom seeing it self in imminent danger of enemies to infringe the liberties of it, may stand up to defend it self; yea although they come forth against it in the name of the King: This is our case, and if the D. disputes against any thing but this, he fights with his own shadow.

If this be ease as certainly it is, then a great part of the Doctors book is impertinent to the business of the Parliaments raising forces. For forces may be raised upon other grounds then the Kings being bent to overthrow Religion.

S E C T. II.

THe strength of this *section*, and almost all the book, is in that place of *Rom. 13.* and in this place I beleave the D. will see, or if he doth not, others will, that he is utterly mistaken in the sense of that place.

The Apostle says expressly *whosoever resisteth shall receive damnation.*

Ans.

But he doth not say expressly, *whosoever resisteth the highest men shall receive damnation*; but *whosoever shall resist the power. Let every one be subject not to the wills of the highest men, but to the higher power: there is a great deale*

of

of difference betweene these two: The higher power, that is, that authority that God & man hath put upon such a man, it is *legitima*, not *arbitraria*; that must be subjected to, & not resisted: We proteste against resisting power, authority, though abused: If those who have power to make Laws, shall make sinfull Laws, and so give authority to any to forsee obedience; we say here there must either be lying or passive obedience; but if one that is in authority command out of his own will, and not by Law; I resist no power, no authority at all, if I neither actively nor passively obey, no I do not so much as resist abused authority. This may seeme strange at the first; but if you thinke of it, you will beleieve it. The D. thinks the answer to this place is onely from the limitation of the person, or the cause of resisting, as if we held that no particular men upon any cause, but States may resist upon such and such causes; whereas we doe not answer so, but we distinguish betweene the man that hath the power, and the power of that man, and say, although the power must not be resisted according to the letter, and the sense of the Text, yet the illegall will and wayes of the man may be resisted, without the le. It offending against the Text. But we shall meeet with this Scripture again and again, and shall follow it with answers accordingly.

He comes to examples, as first, the peoples rescuing of Jonathan from Saul. He says, *the people were in arms already, and did but use a loving violence.*

1 Sam. 1

This example is onely broughe to prove that Subjects may withstand illegal commands of Kings, and no further, and that it plainly proves; onely, he says, *it is a loving violence.* Well then, it is a violence; they resolve that the Kings command shall not be fulfilled, yea though hee adds an oath to it. It was indeede a loving violence to Jonathan; so is all the violence that the Parliament offers a loving violence to the Kingdome, yea and there is true love to the King too in it. The King hath not yet sworn that he will have such things as the Parl. will not suffer, so as to come to our cognisance; but Saul swore that he would have such a thing done, and yet the people would not suffer it to be done, and yet you dare not blame them for this, say you, command them for it.

Ans.

The second example is, David resisting Saul, the D. says, *it was to save his person from Cut-throats.*

1 Sam. 2

And is not our Army to save Parl. & people from Cut-throats?

2. He says, *David did no act of hostility, but only defended himselfe.*

David had no authority over any that followed Saul, for he was then a private man; but our Parl. hath authority over Delinquents that follow the King.

Ans.

2. *David was leath indeede to venture upon a pitched battail, or to exasperate Saul or his Subjects, because his strength was weake, 600. to a King, therefore he flies up and downe and takes not every advantage, that if it were possible, he might gaine favour in the eyes of Saul and his Subjects; but if they had false upon him, and his power had bene equall to theirs, who knows what he would have done? but we are sure as it is, it is defensive, and that is all it is to prove that Subjects may take up Arms to defend themselves against the injustice of their Kings.*

For that example of David at Keilah, all the answer to that is, that it is an uncertain supposition.

1 Sam. 23.

But examine the place, you shall finde it as certain as a supposition can be; It appears plainly that David had some expectation that the men of Keilah would have stood to him and kept off Saul coming against him, and if they would, it is apparent by the Text, that David would have stood to it though Saul had come against him. In the Text it is as plain, as this: Suppose the King were *weere Hull* going against

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against Sir J. Hotbam, and Sir J. Hotbam should seek to make sure of the men of Hull, and enquire whether they would deliver him or not if the King came, and he should come to know that certainly they would, and upon that very ground flies away, is this now an uncertaine supposition that Sir John Hotbam would willingly have the Town stand to him, and if they would stand to him he would stay there and defend himselfe against the Kings forces?

His last answer to Davids example is, that his example was extraordinary because he was anointed to be King after Saul.

But yet for the present he was a private man, although God had bestowed something extraordinary upon him more then upon other men; but it follows not therefore that in this case he had an extraordinary power to resist the Prince: Prince Charles hath no more power to resist his Father then the Parliament hath.

For the example of Elisba using the Kings messenger roughly, that came to take away his head, he sayes it sayes little to the question in hand.

Yet he grants as much as it is brought for, that defence is lawful against sudden and illegall assaults of Messengers sent by the King; if against sudden, why not against deliberate and plotted? for, they are worse: This is one end of the raising of the Army to prevent such assaults: If it be lawful to be done by violence by 2. or 3. when the messenger is but one, then it may be done by 2. or 3000. when the messengers are 1000.

For the example of the Priests thrusting out the leprous King.

That which this is brought to prove, is thus much, That there may be such uncleanness in a King, that may cause Subjects lawfully to resist him, when he would doe a wicked act.

The Doctor sayes, First Gods hand was upon him.

So when God shall leave a King to some horrible way of evil, certainly Gods hand is upon him then.

He answers, But be hasted to goe out himselfe.

But the Scripture tels us, the Priests likewise thrust him out; they would not suffer him to be in the Temple.

The next thing in the Sect. is, a similitude from the naturall body: *Though a member may defend it selfe against outward violence, yet no member must be set against the head, for that tends to the dissolution of the whole.*

If the similitude may be followed, we say, that some members are as necessary to the life of the head, as the head is necessary to the life of those members.

2. A Kingdome may sometimes have one head, sometimes another, but so cannot a naturall body.

Further, he grants, *Personall defence doth not strike at the order and power that is over us, but generall resistance by Arms (he saith) doth.*

No, it may maintain and regulate order, and there may be as little injustice on the one side as the other.

But the case is not as Elisbaes, for the King professeth he will use no violence, and we cannot know his heart.

But that example of Elisba is brought to prove the lawfulness of using force against Kings in using violence: and what violence hath been already used, the world knows.

Page 10. He comes to Scriptures, *denying resistance*: let us see what full Scriptures these are.

The first is, *Num. 16. 1. &c. The conspiracie of Corah and his company against Moses and Aaron.*

It is strange that this example must be paralleled with our Parl. taking up Arms: Was it

is not a most unjust and vile conspiracie, meerly out of the pride of malicious spirits? Can the D. or any man think, that in justifying Arms in some case, we justify all villainous conspiracies and our rages?

Besides, this place condemns rising up against the Priest, as well as the King. Yea certainly, if they had risen against the meanest officer that God had appointed in Church or Common-wealth, as here they did against *Moses & Aaron*, it would have bin a very hainous offence; Yea if *Moses* himself should have thus risen against any Officer appointed by God, it had bin a vile sin in him; therefore this proves no more against subjects resisting Princes, then Princes resisting subjects, or one subject resisting another.

Further, we do not rise against His Majesty, as they rose up against *Moses & Aaron*; we desire not that he should have lesse power then God & the Laws have given him, but we would preserve this in him, and keep off the stroke of any further power, so that we need not for this thing so much as examine the cause upon which they rose, whether it were supposed or not, for the case is far differing in the end of the rising.

But Corah and his company supposed the cause sufficient.

Supposed causes for any thing is not enough; now we are not examining the truth of the cause of taking up Arms, but whether they may not be taken up by the Subject against the mind of the King for any cause. Ans

Well, our consciences need not be much scrupled from this Scripture: Let us examine the rest he brings.

The second is, *1 Sam. 8. 11, 18. where the oppression of the King is mentioned, and no means of help mentioned but crying to the Lord.*

Is the bare relation of the oppression of a King without mention in that place of any means of help, but crying to God, a sufficient proof that though Kings oppress never so much, yet there is no help? Suppose I bring a place of Scripture, where there is a relation of Subjects rising up in a wicked way against their Prince, & in that place there is no other help mentioned, but only the Prince committed this to God, & God revenged it, can there be drawn from thence an argument, that when Subjects rise against Princes that they have no other help against them, but committing the cause to God? We need not go far for a Scripture in this kind, the very place the D. brought before will do it; *Num. 15. when Corah and his company rose against Moses*, we there read of no other help that *Moses* used, but he committed the thing to God, & God revenged it. Ans

But you will say, yet there are other places that shew that Princes may make use of other help.

So there is for Subjects to make use of other helps against the oppression of their Princes, many Scriptures have been mentioned formerly and cleared. Ans

Further, besides this, we answer, that the power of all Kings is not alike, it is no argument because one King hath such and such power, therefore all must needs have. The power of Kings is limited or enlarged by the severall Laws of severall Countries:

Let us see what the third Scripture says, for yet our consciences are not scrupled, it is *Numb. 10. That the people might not go to war but by order from him that had the power of the Trumpet.*

Because there was a positive order there that *Moses* must make trumpets and thus use them; Doth it follow that this must be so every where you may by as true a consequence urge the necessity of silver trumpets, and that the Priest should blow them, as well as the former: The consequence would be full as good. No King can use Trumpets in war but by the blowing of the Priests, for it is commanded there, as that no people can go to war till the Magistrates use the Trumpets, because it is so ordered there; we know the Law is judiciall, and for those judiciall Laws the equity binds no further Ans

further then according to rules of prudence and justice, every country shall see be bootesfull for their conditions. Besides if he did binde, then it were a sinne for an Act to passe to put the *Militia* for any time into any other hands, for certainly it might not then be done, no, not with *Moses* and *Aarons* consent.

The next Scripture is, *Sam. 26. 9. Who can stretch out his hand against the Lords Anointed and be guiltlesse?*

Why doth the D. speake of stretching forth the hand against the Lords Anointed? who endeavours it? doth not the Parliament professe the defence of the Kings Person? 2. Doctor *Willet* upon this place gives you this Answer, That indeed it is not lawfull for a private man to lay hands, no not upon a tyrant; for it is not lawfull for a private man to kill a thiefe or a murderer, much lesse a Magistrate, a Prince. But secondly, he tels us of some that have laid hands upon a King, and yet have been guiltlesse, as *Ehud* upon *Eglon* King of *Moab*: therefore from that Scripture there cannot be a generall Proposition drawn, that no man in any case may stretch forth his hand against a King. Yea Doctor *Willet* answers in the third place, that yet Tyrants and wicked Governours may be removed by the whole State. He indeed limits this, and sayes, it must be understood of such Kingdomes as goe by election, as in *Polonia*, and gives this reason, From whom Kings receive their authority, by them may they be constrained to keep within bounds. This it seems was good Divinity in those dayes. This distinction he used, to deliver the opinion from opposition in *England*; but if the distinction be examined, there will appeare little strength in it: We doe not find that D. *Willet* was ever reproved, or his writings censured for this thing.

Concerning that restriction of his to Kingdomes by election, we shall, when we come to shew from whence all Kings have their power, see, that if it proves true of them, it will prove true of others; for the foundation of all power that such and such men have over others, will be found either from election or covenant, which will come to all one.

D. *Ferne* proceeds thus, *If the King had come into the battel, his person might have been hurt as well as any.*

This had been but accidentally; If a father should voluntarily goe into the Army of the common enemy, against whom the childe is in service, and the child in discharging upon the enemy should slay his father being there, especially he being desired & beseeched by any means not to be there, but to withdraw himselfe; doth the child contract guilt in such a case?

His next Argument from Scripture is, *That the Prophet reprehending the Kings of Israel and Judah for Idolatry and oppression, none ever called upon the people for this duty of resistance.*

First, There is much difference betweene Kings now, and those Kings: The people then did neither give them their power, nor limit their power; They doe both now when first they are set up.

Secondly, if this be a good argument, that because when Kings oppressed, the prophet did not call upon people for resistance, therefore all resistance in any case is unlawful; then, if when people have resisted, & cast off the Government of their King, & the Prophets have not reproved them for it; then it is lawfull for people in some case to resist. He that will harken to his own reason, must acknowledge there is *par ratio*. If the Prophets exhorted not to resistance, then there may be no resistance, sayes the Doctor: Then if when there is resistance, the Prophets rebuke not that resistance, then there may with as good reason be resistance, say I.

When the ten Tribes cast off the Government of *Rehoboam* for his oppression, and heark-

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hearkning to his young Cavaliers about him, rather then to his ancient grave counsell, the Prophets did not rebuke the ten Tribes for what they did, but rather seemed to take their parts, 1 King 5 12. 24. *Return every man to his house for this thing is from mee.*

Now the D. comes to his great place again, Rom. 13. which he sayes he will free from all exceptions.

Nay, bate me an Ace of that. The truth is, he never so much as mentions, nor thinks of the great exception, which duly considered, will clear the Text to be nothing to his purpose.

First he supposes that the King is the supreme, as Peter calls him, or the higher power, as here.

1. It is true, Peter calls the King *Supreme*, but in the same place he is made an ordinance of man, and therefore to be limited by man. He may be the chiefe man in authority, and yet limited in that authority; he is supreme, but not absolute; We grant that the Houses of Parliament, and we all, are his Subjects, but not Subjects to his will; but to that power of his that Law gives him.

2. He takes for granted the King is the higher power. Here observe his mistake. Let it be granted that the King hath the highest power, yet what propriety of speech is it to say that he is the highest power? It is proper to God to say that he is Power in the abstract.

Well, *The King hath the highest power, and we must be subject to this power of his, and not resist it.* Who denies all this? When all this is granted, the D. hath got nothing at all; for if we resist not that power which Law hath given him, we do not resist the higher power, although we do not do nor suffer what hee would have us to do or suffer.

Then he reasons from the person, who so ever, every soule. There was then sayes he, the Senate, &c.

But what power the Senate had for the present upon agreement, or how much of their power was now given up to the Emperour by agreement, he shews not; and if he shews not this, he sayes nothing.

Then he tells us of the cause Christians had to resist, because their Emperours were enemies to Religion, and had overthrown Laws and liberties.

To the first we acknowledge we must not resist for Religion; if the Laws of the Land be against it, we must either suffer, or seek to enjoy our Religion in the uttermost parts of the earth, rather then resist.

For the Emperours subverting Laws and Liberties, he must prove that the people & Senate had not given absolute power to them for the present, for the preventing further evils they feared, or else it reacheth not our case, for we know our people and Senate have not given any such absolute power. We must not be put to prove, they had, for it is his argument; therefore if he will make it good, he must prove they had not. And yet suppose they had not, if we should gratifie the D. in that thing, yet the Argument would be but weak: for the Apostle requires them not to resist their power, their *potestas*: hee doth not charge them not to resist their tyrannie. Certainly they could have no power but that which was given them by some agreement; if they challenged further, it was no authority at all: such kind of tyrannies as they would assume to themselves, the Apostle forbids not the resistance of in that place.

As for that he sayes, *that some affirm that prohibition was temporary, let them maintain it, and affirm, and maintain of the D. in that this prohibition is a standing rule.*

As for that distinction which he sayes, some make that they resist not the power, but the abuse of the power.

We answer, it is not resisting abused power, for it is resisting no power at all. Abused power

A brief Answer

power is the ill use of what is given to men; but the ill use of what was never given to them more then to any other, is abuse of their wils, but not at use of their power. By Power I do not mean Strength, but Authority.

Further, he sayes, *These Emperours ruled absolutely, therefore upon that ground men might resist, if for any thing.*

1. Although the Emperours might use some force to bring themselves to an absolute power, yet whether the people were not brought to consent to prevent farther danger, that must be disproved, when our case ever fals, so as we shall be brought to consent to an absolute power, although it be out of feare (which God forbid) then this argument will concerne us, but not before.

2. What they got and held meerly by force, without any consent and agreement, was no power, no authority at all but might be resisted, notwithstanding that prohibition.

The last thing in that Sect. is, whereas we say that our Religion is established by Law, theirs was not: He answers 2. things. 1. Shall the prohibition be good against Christians under Emperours persecuting Religion, & not against Subjects enjoying their Religion?

If those who have power to make Laws should prove so wicked as to make wicked Laws against Religion, yet I am rather bound to passive obedience in that case, then if men never so good should command according to their own will, and not according to Law; for there is an authority in the one, though abused, but none at all in the other.

His second answer is, *This prohibition did not concern Christians only, but all people under the Emperour.*

As before, 1. we know not but these people had given up their right, 2. If they had not, that prohibition doth not reach them in those things wherein they had not.

Thus his Scriptures are answered, and I profess I have not answered from a humour of seeking to overcome in a dispute, to put glosses upon the one side, or to seek evasions from the strength of the other, but as in the presence of God to find out truth, and to satisfie Conscience that hath to doe with God in a speciall manner.

S E C T. I I I.

THe first *Sect.* is spent about the original of the power of Kings.

He first contends that the power is from God, and that he needs not contend for, we grant that the power not only of Kings, but of all lawfull authority is Gods Ordinance, but that such and such men should have this power, and how much of this power should be put upon this man, and how much upon that, that is from man. Hence it is very observable when the Apostle speaks of the power, *Rom. 13.* he sayes, *it is of God;* but when Peter speaks of the men upon whom that power is put, whether Kings or, those sent by him, he sayes, *that is a humane ordinance, 1 Pet. 2. 13.* yea, *a humane creation,* so the words are, *αὐτοκρατορῶν ἄνθρωποι.* Yea the D. grants this, that though the power be from God, yet the designing the person to bear that power, yea, and the qualification and limitation is from men by the Laws made with consent.

The supreme Magistrate is called the Minister of God, Rom. 13.

We acknowledge him so, he is also said in the same place, *to minister for thy good. I have said, Ye are Gods.*

This is true of inferiour Magistrates as well as superiour, and yet none will say, but inferiours may be resisted.

His conclusion is in this *Sect.* that though the power be of God, yet the person designed, and the qualification of power in several forms of government, & limitation of this is by the laws of men: This is as much as we desire. Many go no further then the designation of the person to be from man, but the D. is more fair, he sayes the qualification is from man also. If so, mark what follows, then no man can have any of this ruling power, but according as he is designed to it, qualified for it, limited in it by men, whatever the name be by which you call him, Emperor, King, Prince, Duke, Lord, &c.

S A C T. IV.

THIS *Self*. is about the power of people to re-assume what power they have conferred upon Magistrates, although Gods power, yet conferred by them.

He argues thus, *If the power be Gods, then people cannot re-assume.*

If the King gives power to an inferior Magistrate, the power that this Magistrate hath is likewise from God, for so the Scripture sayes, *Rom. 13. All power is from God*: may not this power be re-assumed therefore? Let none put this off, with saying, But people are not above Kings, as Kings are above inferior Magistrates, for that is nothing to the argument. The argument that he makes is this, If the power be of God, it cannot be re-assumed: Now the answer is, That the power of inferior Magistrates is of God, and yet it may be re-assumed, therefore his consequence is not good.

Further, a servant by stipulation makes a man his Master, who was not before: Now the power of the Master is Gods, may he therefore never be deprived of that power? Servants must serve Christ in serving their Masters, as truly as Subjects must obey God in obeying their Prince. Pastors and Teachers have a ruling and a ministerial power, and this power is Gods, may it therefore never be taken away from them?

His second Argument is, *We cannot recall what is once given, as to things devoted.*

1. That can never be proved, that a thing devoted to a religious use, can never lawfully be employed to no other. This is a groundlesse conceit, because he brings no proofs for it, *Eadem facilitate rejicitur, qua asseritur.* But this that we speake of is a civill thing. And for Kings, that the power they have may not be taken away, he gives that reason, *Because the Lords hand and his oyle is upon them.*

So the Lords hand and oyle is upon Captains and other Magistrates. *Iosua* and *Serubbabel* are called *The anointed ones.* Prophets, Priests have Gods hand and oyle upon them, and cannot the power for no cause be taken from these? And yet how confidently doth the man conclude, *This will not a true informed conscience dare to doe.* Certainly notwithstanding all the information in this argument, he may doe it.

But he proceeds: *How can conscience be satisfied, that this their argument grounded upon election and derivation of power can have place in this Kingdome, when as the Crown descendeth by inheritance, and hath often been seized by Conquest.*

1. There is no body here that yet hath attempted to take any power away from the King that Law hath given him.

2. Howsoever, the point of inheritance or conquest cannot hinder; For first, none inherits but that which his Progenitorshad, & his Progenitors had no more originally then by consent was given them: therefore the difference between Kings by inheritance, and Kings by election, in this case is not much. And for Conquest, that onely settles former right, or makes way to some farther agreement, to adde to, what was former. The right comes not from power to conquer, or act of conquering, but from some agreement, precedent, or consequent.

He further argues, *It is probable indeed that Kings were at first by choice here, as elsewhere; but can Conscience rest upon such remote probabilities for resistance, or think that first election will give power against Princes that do not claime by it?*

1. Is it but a remote probability that Kings were here first by election? I demand, what first invested such a Family with Regall power, more then another? It must be either God from heaven designing it, as *David*, or men appointing it,

A briefe Answer

or taken by force: there is no *quæritur*. It was not the first, and to say the third is the right, is an extreame wrong to the King. *¶* meer force can give right, then who-soever is most forcible hath right; it must therefore be something else: what can that be but the consent of people to such a family? which is in effect all one with election. You may give it what name you will, it is not therefore a remote probabilitye, but a neere certaintie, that even here Kings were at first either by choice, or by that which in effect is all one.

The Doctor sayes, that Kings of England doe not claime their right by election.

Ans. It may be they use not that word; but if the Doctor shall presume to dispute their claime for them, and think to get a better and surer claime then the agreement of people, that the Regall power shall be in such a family, surely he will have no thanks for his labour. Let him take heed of this. Although he is pleased to call Election a *slender plea*; yet I beleve he cannot bring a stronger.

He is at his place in Rom. 13. againe, with the absolute Monarchy of Romane Emperours.

This hath been answered againe and againe.

The next thing he discusses is the covenant the King enters into, and the oath he takes. And here he tels us our Kings are Kings before they enter into the Covenant, or take this Oath;

Ans. Although they be Kings before they personally do covenant or swear, yet their right comes in by their Progenitors, who had their right conferred upon them by some agreement or other: so that they have covenanted in them.

But this clause in the covenant or oath is not expressed, that in case he will not discharge his trust, it shall be lawfull to resist.

We do not stand so much upon the oath that every King takes, as upon the originall agreement between people & King, whereby this power was conferred first upon such a family, and for that we say that no more power was conferred then was done by vertue of that agreement; and why there should not be the same reason in the Covenant between a Countrey and a Family in matters of so high a nature, as there is in other Covenants amongst men, let the Doctor shew, or any for him.

The Doctor confesseth, Page 16. line 21. That Lawes are for the restraint of the power of Princes.

But at length after the discussion of the businesse, he tels you that to argue any forfeiture of power by breaking his Covenant, is an inconsequent argument. You must beleve him, because he sayes so: If his bare word will not satisfie you, you are like to have nothing else;

Yet we would have him and all know, that we do not think that every breach of promise, and not performance of covenant in every thing, makes a forfeiture: this indeed were a dangerous consent. But the question is, Whether no breach of Covenant may possibly in any case make a forfeiture? We confesse our selves not willing to dispute this too faire.

He presently seemes to grant that there may be some force in the argument in States elective and passionall, but not in this Kingdome.

Ans. If the ground of all power that one man hath over another in Civill Government, be some kinde of election explicite or implicite, or some kind of agreement at the first, let the Doctor shew how this Kingdome is freed.

But what if the King will not keepe to his agreement, may the Subject doe nothing? The Dr. Answers, Yes, they may use faire means by Petitions, and they may

To what purpose are Subsidies and ayds denied, if the King hath power to take our estates when he pleaseth, and there must be no resistance? *Ans*

Though this he says may seeme unreasonable to people, and very impolitique to the Statesman, yet plain Scripture and reason forbids it.

But this Scripture and reason lies hid from us as yet, we have examined them as they have come, and we have found plain mistakes in the alledging them.

S E C T. V.

This Section is spent in the argument of meanes of safety to a Kingdome in case the King should tyrannize; if they might not resist, it seemes God hath left them destitute of all helpe, they must needs perish.

To this he first answers, *That is the same argument that is used for the Popes curbing of, or deposing Princes in case of Heresie, otherwise the Church hath no meanes to preserve it selfe.*

The good of a Church is spirituall, and God hath given it spirituall meanes enough to preserve its spirituall good, although there be no such power of the Pope over Princes, and we know the Church was preserved and flourish'd in spirituall beautie when there was neither Pope nor Prince to preserve it. *Ans*

But the good of a Kingdome is civill and naturall, therefore it must have civill and naturall meanes to preserve it selfe, by in case of danger. Hence then although it be no argument that Popes may by power of Armes curb Kings, and because else the good of the Church cannot be preserved, yet it may be a good argument the people may in some case take up Arms to defend themselves against violence, although the King gives not his consent, because otherwise the civill and naturall good of men in a Kingdome cannot be preserved.

The second thing he says is, What meanes of safety had the Christians in and after the Apostles times?

God called them then to suffer; for they were not the State, though many particular men that are not a State, may easily be brought into such a condition as they have no meanes for safety, but they must needs suffer; and so many States, when the externall violence is too strong for them; but when God and nature gives them meanes of deliverance, there is no necessity they should perish. When the Doctor disproves resistance better, wee will either fly or suffer.

As for the Christians why they could not resist, the Dr. speaks of a reason that he seemes to be satisfied in, because things were so enacted by Law, therefore they could not resist; therefore he leaves their example, as invalid in our case, and so it were well that every one else would leave off urging, that we may never heare of the example of the Christians in the primitive times applied to our case more: For though it seems to be something at first view, yet it is nothing when it is examined.

But then he says, *The Edicts that concerned others were Arbitrary.*

To this the Answer hath been already, either the people then gave up their whole right to their Emperours, which we have not done to our Kings, or otherwise they were not bound to their Arbitrary government, but might have resisted for their own preservations. *Ans*

But if Parliament should degenerate and grow tyrannicall, what meanes of safety could there be for a State?

I confesse the condition of such a State would be very dangerous and like to come to confusion; particular men could not help themselves, and the whole State ought to suffer much before it should helpe it selfe by any wayes of resisting: but if you can

A brief Answer

Suppose a Parliament so far to degenerate, as they should all conspire together with the King to destroy the Kingdome, and to possesse the lands and riches of the Kingdome themselves, in this case whether a Law of Nature would not allow of standing up to defend our selves, yea to re-assume the power given to them, to discharge them of that power they had, and set up some other, I leave to the light of nature to judge.

You will say, this cannot be, because the higher powers must not be resisted by any.

This is not properly to resist the power, but to discharge the power, to set the power elsewhere. The servant doth not resist the power of his Master, when he upon just grounds leaves him, and goes to another, if he be such a Master, as is his Master by his owne choice, for such and such ends and purposes; and had his power limited by agreement.

I know this will be cryed out of as of dangerous consequence, wherefore God deliver us (as I hope he will) for ever making use of such a principle.

It is hard to conceive it possible that a Parliament can so degenerate, as to make our condition more grievous by unjust acts, then it would be if the power in a Kingdom should returne to the law of nature, from whence at first it rose.

Diwers lines together after the objection from want of safety in case of degenerating of Parliament, he spends in commending the temper of our government in the three Estates, with complaints of some distemper for the present.

In the one I joyne with him: but for the other, I undertake not to satisfie all his apprehensions of distractions in the Parliament. The man'l beleeves at a distance from Parliament, and so looks at it through multitudes of reports which usually (and especially in these times) are exceeding false mediums to looke through: Straight things will seeme crooked, when the object is seene through water that is too thick a medium: Reports doe so gather soile before they come to him, that when they come, they are an exceeding thick medium to see Parliament proceeding by.

Whereas it is said, that many see more then one, and there is more safety in the judgement of many: he answers, If by should an hundred in the House of Commons see more then three hundred? and twenty in the Lords House see more then sixty that are of a contrary judgement?

If there were so many of a contrary judgement more then the others, why doe they not come and our-vote them in what things are amiss?

2. This adds much validitie in common reason to what they determine, that they are alwaies a competent number, allowable by Law to be Houses of Parliament, and they debate and determine things in such an Assembly that is open for so many, which all the Countreys and Cities in the Kingdom have chosen to come to debate or contradict as they think fit. Such determinations, although I doe not say they should be accounted infallible, yet they carry with them more likely reason, then those who are carried by a few in some secret way.

Further, why should such an Objection be made against the Houses of Parliament, that no Court of Justice, no Societie that carry things by Vote, will admit, if it be once set that in such Assemblies there shall be so many at the least, there may be three times more, yet so many makes up the Assembly, so as to enable it to such and such purposes. How can this Objection, without wrangling, be admitted? Oh but many were of another mind, or some belonging to the Assembly were not present.

After this the Doctor proceeds to the commending of Monarchy above Aristocracy, and the Kings Negative vote.

This is nothing to our business. What though Monarchy be the best? and what though the King should have power of a negative voice in the passing all Bills? this is granted.

Then

Then he comes again to his 13. to the Rom.

The argument from this place is worn exceeding bare by this time.

If it were lawfull to resist power abused, it would open a way to people to overthrow powers lawfully administered.

1. We do not say that power abused should be resisted, but *W^hen*, where there is no Power, may be resisted.

2. True, there is danger in the peoples abusing their liberties, and danger in Magistrates abusing their power.

He saies he intends not to lay the least blame upon the Parliament.

Yet in the Page before he saies, The Temper of the Parliament is dissolved, and upon that saies, the distractions in the Common-wealth, shew the distemper, and the danger of dissolution, and what is the cause of it. It would fill much paper to gather together the blemishes that this man casts upon the Parliament, especially in his last page. But that is not my work, I would gladly have consciences resolved,

He proceeds to shew the difference between the Low-Countreys and us, which no question is something, but not so as can make what they have done lawfull, and yet the Doctors tenets right, nor what we have done unlawfull.

He farther enlarges himself in discourse about the evils that accompany resisting of power.

Still we say power should not be resisted, and where it is resisted sinfully, yea where men in power, are resisted, any way, there are like to follow sad consequences of affliction. But what is all this for the satisfaction to conscience about the Lawfulness or unlawfulness of resisting men that have power in any case?

Then he comes to the oath of Supremacy and the Protestation.

The Answer to this depends upon what hath been said, we swear onely to the Legall power, we protest no further then the maintenance of that.

He saies, conscience will look at that power be hath as the ordinance of God.

True, what power he hath, that is, what the Laws give him, we say is an ordinance of God.

But his abuse of power is a judgement of God, that we must cry to God against, and a true informed conscience in that case will rather suffer then resist.

He still takes abuse of his power to be the doing whatsoever he please: we denie that to be abuse of his power. We say in that he doth not exercise his authoritative power at all, therefore he doth not abuse it. If indeed some uniuersall Law should give him any power to do wrong, the execution of this would be the abuse of his power, and therein it is granted a true informed conscience would rather suffer then resist. But in the other case, when he doth what Lawinables not to do, all the arguments of the Doctor cannot so inform our consciences, as to beloeve the State must rather suffer then resist.

Now the Doctor calls up his reckoning, and thinks he finds it comes to this much, that he hath found Scripture and reason speak plainly against resisting.

He cries victorie to himself, he tells himself what the issue of his own thoughts come to; but he reckons without his Host, his conquest is too hattie, we are not of his mind.

I will onely observe one thing more in the conclusion of this Section.

If any shall be carried away with the name of a Parliament, as Papists are with the name of the Church, &c.

If the Church could do as much in matters of Religion, as the Parliament can do in matters of the State, the Papists were not so much to be blamed for being taken

so much with the name of the Church, as we are not for being taken so much with the name of the Parliament.

For 1. The Church cannot make new Articles of Faith, or nullifie the old; but the Parliament can make new Maxims to be accounted Law, that were not before, and undoe what were before.

2. The Church hath not a judicall power of interpreting the Law of God, but the Parliament hath a judicall power of interpreting the Law of the State, so as that is to be accounted Law, which they interpret to be so. I do not say that we are bound to beleeve, that whatsoever interpretation they make was the scope and intention of that Law when it was first made: But this I say, that their interpretation must be accounted as much binding to us for obedience, as the scope and intention of that Parliament that first made that Law.

Thus I have done with his Scriptures, and the rationall part of his Book; and I hope others will have done with it too.

If mens consciences be satisfied in the lawfulnessse of the thing it self, Subjects taking up Arms against the will of the King: His other part, every one who understands how things are with us, that is willing to be satisfied, will be soon able to satisfie himself. The substance of all that follows is, suppose that Subjects may take up Arms? yet whether there be sufficient cause for us to doe it.

Toward the conclusion of the Book the Dr. begins to be hot, and somewhat bitter, but I shall not here follow him in particulars, but in the generall this:

What the condition of our Kingdom is, whether in danger or not? What the condition of our Houses of Parliament, whether they be safe or not? whether their priviledges be broke or not? Judge you whether Doctor *Ferne* or all the Remonstrances and Declarations we have had from both Houses be able best to certifie us: we have received information enough, and seen and felt enough to make us beleeve that our Kingdom is in great danger: but it may be the Doctor sits in his study like another *Archimedes* drawing his lines, and the Swords must be about his eares before he will see or beleeve any danger towards us.

Ans.

The Doctor puts the case thus, whether the conscience can be so perswaded, that the King is such and so minded, as that there may be sufficient cause to take up Arms against him; in this he is as miserably mistaken, as in all his other grounds from Scripture, and his reasons; if he thinks this be the controversie.

For 1. we take up no Arms against the King.

2. Whatsoever the Kings mind be; there is sufficient cause to take up Arms to defend our selves against others that seek our ruine. We know of the plots of bringing the Armies in the North upon Parliament and Cities: We know of the great preparations of Arms in foreign parts to send over hither, and time hath discovered their further attempts, although it hath indeed withall discovered they could not bring their attempts to their desired issue. We know of many Delinquents that are fled from the Justice of the Parliament; which cannot be attached without force; and if they may scape as they do, to what purpose doth a Parliament sit? it will soon be made ridiculous in the eyes of the world. We know what is done in the execution of the Commission of Array, and that by force of Arms, and all these things by those who are under the authority of the Houses of Parliament: wherefore if they cannot prevent these evils imminent, nor redresse these disorders extant; but by power added to their authority, although there be no such horrible things as the Doctor speaks of, namely, the Kings intentions to subvert Religion, and our Laws and Liberties, if the King do but denie to assist in the delivering us from those danger, nor upon ground-

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leſſe jealousies feared, but upon certain proofs we know we are in; and in the delivering up of ſuch delinquents as juſtice muſt not, our ſafety cannot ſuffer to eſcape, there is cauſe enough to ſatiſſie our conſciences in the lawfullneſſe of our taking up Arms. Yea, our proteſtation and duty, though we had never ſo proteſted, binds us to maintain by all our ſtrength the Parliament in this; and in maintaining them, we do not at all prejudice the King in any lawfull power of his.

This generally is enough to ſatiſſie in what is ſaid in the two laſt Sections: As for particulars mentioned there, many of them are answered already in the former diſcourſe; others being matters of fact, it is more eaſie for any one to anſwer that haſh a mind to examine what paſſages have ſalne out. To go through them particularly I ſhall leave to ſome who have more time to ſpare then I, they are far more eaſie to anſwer then what was before, but not ſo profitable, and yet the anſwer would exaſperate more; they are Subjects more ſuteable for Lawyers and Statiſts to treat about then for Divines.

Wherefore whereas in the conclusion of all, the Doctor desires those who will run the Hazard of this resistance; first to ſet their conſciences before the tribunall of God, and conſider whether they will excuſe them there when they have ſhed blood, to ſay, we ſuppoſed our Prince would change Religion, overbrow liberties.

No Doctor, We can comfortably, and will freely and really ſet our conſcience before Gods tribunall in this caſe, but we will not make that our plea, but we will ſtand thus before the Lord.

Lord thou who art the ſearcher of our hearts, and our Iudge, thou knoweſt we aimed at no hurt to our King, we deſired to live in peace, we according to our ſolemne vow and Proteſtation, have only endeavourd to deliver our Kingdom & Parliament from the rage of ungodly, and violent bloody men, to bring forth the wicked unto juſtice, to preſerve what thy Maieſtie, what the law of nature, and the Law of the Land hath made our own. If thou wilt pleaſe to call us to ſuffer for thy Name, we hope we ſhall be ready, but becauſe thou telleſt us that it is not the part of a Chriſtian but of an Inſidell, not to provide for his family, therefore we have not ſubmitted our ſelves, wives and children to the rage of theſe bloody men: for the ſubſtance of what we have done, it hath been in thy Name, that we may be faithfull to the King, Kingdom, Parliament, and to poſteritie. What failings thou haſt ſeen in the managing of it, Lord pardon to us for Chriſt his ſake.

Thus we are willing to meet the Doctor at Gods Tribunall, but he ſhall not lay our plea for us, we fear he will have enough to do to anſwer for himſelf, yea to anſwer for that Booke he hath put forth in ſuch a time as this.

For a Conclusion of all.

Let none think that though we thus juſtifie taking up Arms, that therefore we are of thoſe that delight in War; God forbid. Our ſouls deſire after peace, we pray for peace, we would gladly lay down our lives, (if we know our own hearts) for peace.

Lately my name was, injuriouſly added to a printed paper, wherein there was a Petition againſt Accommodations: It ſayes I went along with it, whereas I knew nothing at all of it, untill neere a week after it was delivered to the Houſe. Thus are we at the mercy of every malignant ſpirit, if he can get a Printer to aſſiſt him, to be rendered to the world as odious as he pleaſeth. As great an injury I ſuffered before, though in another nature, when a few pieces of a Sermon I preached to young men were gathered together, and patched up with a deale of non-ſenſe, and additions of their owne as they pleaſed, and then put out as mine. Although we live amongſt men ſet on fire, yet God forbid but we ſhould follow peace: but it muſt be the peace of *Jeruſalem*, not the peace of *Babylon*.

And

And the earth it had the people knowe their liberties before, it is very probable these warres would have been prevented. This I am confident hath been the great encouraging, fomenting argument for these matters, if we goe in the name of the King; none will dare rise against us; What guilt they take upon them to resist their King? Had they seen the weaknesse of this their Argument, as it is applied to this businesse in hand, that blood that hath been shed would have been prevented; And if the people of the Land knew the Liberty that God, and Nature, and Law gives them, there would soon be an end of these Warres, but a few such Doctors as this is, may helpe to prolong them, by dividing the people, and putting them into a maze, comming in so plausible a way to informe Conscience; whereas in truth he gives no bottom for Conscience to rest on, but rather puts it to a shak, or rather into a labyrinth.

There is a necessity that in these times peoples Consciences should be further satisfied in their liberties in this case then formerly, because the time is (we hope) at hand for the pulling down of Antichrist, and we find by Scripture this work at first will be by the people: Revel. 18. 2. *The Angel came down from heaven and cryed mightily with a strong voice, Babylon the great is false, is false: And vers. 4. I heard another voice from heaven, saying, Come out of her my people: ver. 6. Reward you her as she hath rewarded you: and so to the 9. ver. her destruction is threatened. Now ver. 9. the Text says, The Kings of the earth who have committed fornication, and lived deliciously with her, shall bewaile her, and lament for her, saying, Alas, alas. Ver. 11. And the Merchants of those things which were made rich by her, shall stand weeping and wailing. ver. 14. All her Professors, and Commissioners, and Chancellors that grew rich by her, they shall lament. No marvaile then though so many Professors get together to seek for peace upon any terms.*

Here you see Babylon must down, and yet the Kings lament her fall: Who then must pull her down but the people? North that the people can raise a War merely for Religion, but God will for other things, than the Popish shall by their malice be put upon such plots and enterprises, that they shall make themselves lyable to the justice of the Law, so that Kings shall have no legall power to rescue them from it, but inferior Magistrates, assisted by the people, shall in a just way fall upon them, even then when the Kings of the earth and their Merchants shall lament them. Hence Revel. 19. 6. the Hallelujah that is begun upon the Lord God omnipotens reigning, is begun by the people, I heard the voice of many waters, saying, Hallelujah. Now the Scripture frequently sets forth the people by waters, as Revel. 17. 1. The waters which thou sawest, were peoples. We read Cant. 4. 1. 2. where the glory of Christ is set forth, it begins at the head; but Cant. 7. 1. where the glory of the Church is set forth, it begins at the feet. How beautiful are thy feet? Surely the right knowledge of these liberties God hath given people, will much help forward the great things God hath to doe in this latter age.

This makes me willing to publish what help I can in this thing, although I know full well I run the hazard of suffering much in it. Let Babylon fall; let the Church prosper, it is enough, we will care not much worth.

And thus I have shewne the Commission of the Lord of Hosts for warres; I shall not yet refuse to pray for peace, such a peace as may have as good a Commission from the Prince of Peace as the present wars of the King do have from the Lord of Hosts.

That which I have done is but as the taking of my pen to write a Letter to a friend; but a little strength is enough to oppose a little strength.